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6 IN THE UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11
12 vs.

13 JAMES DEAN CLOUD and
14 DONOVAN QUINN CARTER
15 CLOUD,
16

17 Defendants.
18

1:19-CR-02032-SMJ

NOTICE OF INTENT TO USE
EXPERT TESTIMONY

19 The Plaintiff, United States of America, by and through William D. Hyslop,
20 United States Attorney for the Eastern District of Washington, and Thomas J. Hanlon
21 and Richard C. Burson, Assistant United States Attorneys for the Eastern District of
22 Washington, hereby respectfully submits the following Notice of Intent to Use Expert
23 Testimony:
24
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26

27 Notice of Intent to Use
28 Expert Testimony

FINGERPRINTS

The United States expects to call Krystal N. Watts (“Watts”) as an expert witness.¹ Watts will testify as to her qualifications and background. Watts will testify as to her training and experience as a latent print examiner. Watts will describe/define terms such as “latent prints”, “friction ridge skin”, “friction ridge impressions”, and “known prints.” Watts will testify as to the ACE (Analysis, Comparison, and Evaluation) framework for decision-making. Watts will testify that a latent print was observed on Lab Item #8-rear view mirror. Watts determined that the print was suitable for comparison. The latent print was identified by Watts to the #1 finger (right thumb) recorded on the known cards bearing the name Donovan Cloud.

FIREARM/TOOLMARKS

The United States expects to call Michael Van Arsdale (“Arsdale”) of the Federal Bureau of Investigation Firearms/Toolmarks Unit.² Arsdale will testify as to his qualifications and background. Arsdale will testify as to his training and experience in the Firearms/Toolmarks Unit. Arsdale will describe/define terms such as “physical and visual examinations,” “bullet examinations,” “source exclusion,” “source identification,” and “comparison. Arsdale will testify as to how firearms are test fired. Arsdale will testify that he received a Ruger rifle, Model 10/22. Arsdale will testify that a magazine (Item 57) fit in and functioned in the Ruger rifle. Arsdale will testify that bullets were fired from the Ruger rifle and examined. Arsdale examined several bullets (Items 109-119) that were provided to him. Arsdale

¹ As to Watts, a summary and Curriculum Vitae have been attached and marked as Exhibit 1. The summary and Curriculum Vitae were previously provided to defense counsel on September 19, 2019 via e-mail. A report prepared by Watts has been attached and marked as Exhibit 2.

² As to Van Arsdale, a summary has been attached and marked as Exhibit 3. Curriculum Vitae has been attached and marked as Exhibit 4. Van Arsdale’s report has been attached and marked as Exhibit 5.

1 conducted a comparison and determined that the bullets (Items 109-119) had been
2 fired from the Ruger rifle. Arsdale examined additional items (Items 20-1 and 21-1)
3 and determined they were .22 caliber deformed bullet fragments. After his
4 examination, Arsdale determined that Item 21-1 was fired from a barrel rifled with six
5 grooves, right twist. Arsdale determined that Item 20-1 was fired from a barrel with
6 six grooves, but a directionality of the twist could not be determined. Upon the
7 completion of his examination, Arsdale was unable to determine if Items 20-1, 21-1,
8 and Item 23 were fired from the Ruger rifle or from barrel(s) of the same firearm.

9 Arsdale also received Items 42-33, and after examination, determined they were
10 all 12 gauge shotgun shells and that they had been fired in the same shotgun. Arsdale
11 received Items 27 and 28, and conducted an examination. Arsdale concluded that
12 Items 27 and 28 are 12 gauge shotshell wads.

13 CAUSE OF DEATH

14 The United States expects to call Sigmund M. Menchel ("Menchel"), M.D.³
15 Menchel will testify as to his qualifications and background. Menchel will testify as
16 to his training and experience. Menchel has previously been qualified as an expert
17 witness in both state and federal courts.

18 Menchel will testify that victim C.E. suffered a gunshot wound to her head.
19 Menchel will testify that a bullet entered from behind her ear. Menchel will testify
20 that victim M.S. suffered a gunshot wound to her head. Menchel will testify that the
21 bullet entered behind her ear. Menchel will testify that victims J.C., T.H. and D.O.
22 suffered multiple gunshot wounds. Menchel will testify that he completed a thorough
23 examination of each victim and ruled the cause of death as homicide. Menchel will
24 testify that all victims suffered significant bleeding which indicated that their hearts
25 were still beating at the time they were shot.

26 ³ As to Dr. Menchel, a summary has been attached and marked as Exhibit 6.
27 Curriculum Vitae has been attached and marked as Exhibit 7.
28 Notice of Intent to Use
Expert Testimony

1 DNA EXPERT

2 The United States expects to call Charity N. Davis ("Davis") as an expert
3 witness.⁴ Davis will testify as to her qualifications and background. Davis will testify
4 as to her training and experience as a forensic examiner in the FBI Laboratory's DNA
5 Casework Unit. Davis will define and describe Deoxyribonucleic acid ("DNA.")
6 Davis will testify as to where DNA is found and how DNA varies from person to
7 person. Davis will explain how a DNA profile is developed from DNA extracted
8 from physical items. Davis will explain how DNA profiles are compared to each
9 other to determine the likelihood that the profiled DNA came from the same person.

10 Davis will testify that she extracted DNA from the physical items identified in
11 Exhibit 8 and compared such DNA profiles to DNA samples taken from certain
12 individuals, including the Defendants. Davis will testify that her comparisons resulted
13 in findings that supported her conclusion that DNA extracted from physical evidence
14 in this case was likely to be contributed by certain individuals in this case, as defined
15 by a ratio likelihood.

16 Among the results that Davis will testify about, detailed on Exhibits 8 and 9,
17 Davis will testify that DNA was located on the interior driver side door pull of a truck
18 identified as belonging to J.V., and that the DNA results obtained are two times more
19 likely if J.V. and Defendant James Cloud had contributed such DNA than if J.V. and
20 an unidentified person had contributed such DNA. Davis will testify that DNA
21 originating from two individuals was located on a cigarette butt located on top of a
22 pool table at the crime scene in this case. Davis will testify that the DNA results
23 obtained from the cigarette butt are 240 quintillion times more likely if Defendant
24 Donovan Cloud and an unknown individual contributed the DNA than if two

25 ⁴ As to Davis, a summary and Curriculum Vitae have been attached and marked as
26 Exhibit 8. The summary and Curriculum Vitae were previously provided to defense
27 counsel. Reports prepared by Davis have been attached and marked as Exhibit 9.
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Expert Testimony

1 unknown individuals had contributed the DNA, and 2.3 octillion times more likely if
2 victim John Cagle and an unknown individual had contributed the DNA than if two
3 unknown individuals had contributed the DNA. Davis will testify that DNA
4 originating from one individual was located on a second cigarette butt located on top
5 of a pool table at the crime scene in this case. Davis will testify that the DNA results
6 obtained from the second cigarette butt are 20 septillion times more likely if
7 Defendant James Cloud had contributed the DNA than if an unknown individual had
8 contributed the DNA.

9 INTERSTATE NEXUS – CHEVROLET SILVERADO

10 The government anticipates calling Jeff Harris (“Mr. Harris”) as a witness.⁵
11 The government believes that his testimony fits within the parameters of Fed. R. Evid.
12 701. However, out of an abundance of caution, the government has included him
13 here. Mr. Harris has worked at Harvest Chevrolet for more than 27 years. Mr. Harris
14 has received General Motors training and has been the Parts Manager since 2010.
15 Due to his training and experience, Mr. Harris is aware that Chevrolet assembly plants
16 do not exist and have never existed in the State of Washington. Furthermore, due to
17 his training and experience, Mr. Harris is familiar with the significance of a vehicle’s
18 Vehicular Identification Number (“VIN.”) Mr. Harris would testify that in regards to
19 a VIN number, the first digit “2” documents that a vehicle was manufactured in
20 Canada. Mr. Harris would testify that the VIN is the fingerprint of a vehicle. Mr.
21 Harris would testify that he reviewed the vehicle information detail report for the
22 vehicle in question. Mr. Harris would testify that parts for the vehicle in question
23 originated in numerous locations including Michigan, Indiana, Germany, Mexico, and
24 Singapore. Mr. Harris would testify that the vehicle in question was assembled in

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26 ⁵ In September 2019, the government provided a letter via e-mail to counsel
27 summarizing the testimony of Mr. Harris.
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1 Canada. Lastly, Mr. Harris would testify as to how new Chevrolet vehicles are
2 transported into the State of Washington.

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4 Respectfully submitted this 19th day of October, 2020.

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6 William D. Hyslop
United States Attorney

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8 s/ Thomas J. Hanlon
THOMAS J. HANLON
9 Assistant U.S. Attorney

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11 I hereby certify that on October 19, 2020, I electronically filed the foregoing
12 with the clerk of the Court using the CM/ECF System which will send notification of
13 such filing to the following:

14
15 Lorinda Youngcourt; John B. McEntire, IV., Jeremy B. Sporn; Richard A. Smith;
16 Mark A. Larranaga.

17
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